



**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION HELD
WEDNESDAY, MARCH 27, 2019
AT 6:30 P.M.**

CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

Chair Schwary called the Regular Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:30 P.M.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner Anderson*

ROLL CALL

MEMBERS PRESENT: *Commissioners Anderson, Brouse, Walker, Vice Chair Aspinall, and Chair Schwary*

MEMBERS ABSENT: *Commissioner Verrinder*

ALSO PRESENT: Development Services Director and Secretary Dalquest, Contract Planning Manager Poland, Associate Planner Winter, Senior Administrative Assistant Davidson, Deputy City Attorney Shah

APPROVAL/MINUTES

Moved by *Commissioner Anderson*, to approve of the minutes of the Planning Commission meeting of February 27, 2019, as amended by *Vice Chair Aspinall*.

The motion was seconded by *Vice Chair Aspinall*.

The motion carried by the following vote:

AYES: *Commissioners Anderson, Brouse, Walker, Vice Chair Aspinall, and Chair Schwary*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Verrinder*

COUNCIL ACTIONS *Development Services Director Dalquest* provided a follow up on the March 11, 2019 Council Meeting and indicated that the 2018 Housing Element Annual Progress Report was reviewed. He also noted that the Council, at their meeting of March 25, 2019, approved a five-person Downtown Ad-Hoc committee to review the Downtown Specific Plan, provide changes or updates, and look at alternatives to financing aged or insufficient infrastructure.

FUTURE AGENDAS – None.

Chair Schwary spoke about the upcoming Planning Commissioner interviews.

Development Services Director Dalquest provided an oral report to the Council regarding their previous request related to posting Planning Commissioner rosters online as well as providing Planning Commissioners with City-issued e-mail addresses. It was suggested that a generic account be available on the City website for anyone to send an inquiry to the Planning Commission via the Development Services Director in order to avoid any potential Brown Act violations by distribution to only certain Commissioners. He explained and navigated the two (2) different ways via the City website, the public can access this forum.

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ORAL COMMUNICATIONS

Chair Schwary stated this is the time for any citizen to comment on any items that are not listed on the agenda under “Public Hearings” but within the Planning Commission’s purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from acting on items not listed on the agenda.

Joel Bradley spoke about the lack of tree maintenance at Upland Hills Golf Course and inquired about the status of the vacant tent on the golf course.

Marjorie Mikels spoke about taxes, drones, surveillance cameras, license plate identifying technology and ICE and would rather see money used to repair potholes.

Noting there were no further members of the public wishing to address the Commission, *Chair Schwary* closed the oral communications.

Chair Schwary asked staff to prepare and present an update on the Golf Course issues within 60 days and indicated he would be taking items out order due to the high amount of speakers for Conditional Use Permit No. 17-05.

PUBLIC HEARINGS

1. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. CUP 19-01.

The proposed project is requesting approval to allow the on-sale service of beer, wine, and distilled spirits (Type 47 License), along with live entertainment, in conjunction with a proposed bona-fide eating establishment (Studio Four29), located within the Historic Downtown Upland Specific Plan (SP) General Plan Designation, and is zoned Historic Downtown Upland Specific Plan with a land use designation of Old Town District and a Historic Core overlay zone.

Project location: 222 E. 9th Street, APN: 1046:593-11 and 12.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Alain Fourier 549 E McKinley Ave Pomona, CA. 909-559-4754
RECOMMENDATION:	That the Planning Commission: <ol style="list-style-type: none">1. Receive staff’s presentation;2. Hold a public hearing and receive testimony from the public;3. Find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities of the California Environmental Quality Act Guidelines; and4. Move to adopt a Resolution approving Conditional Use Permit 19-01, subject to conditions of approval as set forth in the draft resolution dated March 27, 2019.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD	10 days, ending April 8, 2019

Associate Planner Winter provided the details of the staff report including project location, proposed hours of operation, proposed floor plan, findings, recommended Conditions of Approval and staff recommendations.

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Vice Chair Aspinall referenced Conditions of Approval number 50.1 regarding microbrewery use.

In response to *Vice Chair Aspinall's* inquiry, *Associate Planner Winter* noted the clerical error and indicated that the item will be updated to reflect the restaurant use.

Chair Schwary opened the public hearing.

Alain Fourier, applicant, spoke regarding his history of being a business owner in the City and indicated this will be his second establishment. He spoke about the menu, seating capacity, and separate application for outdoor seating.

Noting no further members of the public wishing to address the Commission, *Chair Schwary* closed the public hearing.

Commissioner Walker thanked the applicant for bringing the project forward.

Chair Schwary moved to find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities of the California Environmental Quality Act Guidelines; and moved to adopt a Resolution approving Conditional Use Permit 19-01, subject to conditions of approval as set forth in the draft resolution dated March 27, 2019, as amended.

The motion was seconded by *Commissioner Walker*.

The motion carried by the following vote:

AYES: *Commissioners Anderson, Brouse, Walker, Vice Chair Aspinall, and Chair Schwary*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Verrinder*

2. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. CUP 19-02.

The proposed project is requesting approval to allow the on-sale service of beer and wine (Type 41 License) at an existing restaurant (Novelty Pizza) located within the Commercial/Office – Mixed Use (CO-MU) General Plan Designation and the Commercial/Office – Mixed Use (CO-MU) zone in the Village Grove Shopping Center.

Project location: 1477 E. Foothill Boulevard, APN: 1045-471-06

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Rajwinder Kaur 7153 Hazelwood Way Fontana, CA. 92336
RECOMMENDATION:	That the Planning Commission: <ol style="list-style-type: none">1. Receive staff's presentation;2. Hold a public hearing and receive testimony from the public;3. Find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act; and4. Move to adopt a Resolution approving Conditional Use Permit 19-02, subject to conditions of approval as set forth in the Draft Resolution dated March 27, 2019.

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COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD	10 days, ending April 8, 2019

Associate Planner Winter provided the details of the staff report including project location, surrounding uses, application request, proposed hours of operation, restaurant floor plan, findings, Conditions of Approval and staff recommendations.

Chair Schwary opened the public hearing.

Sandra Robles, applicant representative, spoke about the background of Novelty Pizza, local fundraising, community ties, and intention to follow Conditions of Approval.

Marjorie Benesh spoke about vagrants in the area, expressed concern for safety and spoke in opposition to the project.

Associate Planner Winter noted that the Police Department did not report or note any alcohol-related incidents.

Noting no further members of the public wishing to address the Commission, *Chair Schwary* closed the public hearing.

Chair Schwary moved to find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities of the California Environmental Quality Act Guidelines; and moved to adopt a Resolution approving Conditional Use Permit 19-02, subject to conditions of approval as set forth in the draft resolution dated March 27, 2019.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote:

AYES: *Commissioners Anderson, Brouse, Walker, Vice Chair Aspinall, and Chair Schwary*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Verrinder*

3. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. CUP 19-04.

The proposed project is requesting approval to allow the on-sale service of beer, wine and distilled spirits (Type 47 License), along with live entertainment, in conjunction with a proposed bona-fide eating establishment (Le Chef Restaurant) located within the Commercial/Industrial – Mixed Use (CI-MU) General Plan Designation and the Commercial/Industrial – Mixed Use (CI-MU) zone in the Central Plaza Shopping Center.

Project location: 930 N. Central Avenue, APN: 1007-061-02

STAFF:	Mike Poland, Contract Planning Manager
APPLICANT:	Dick Evitt (Agent) 930 Central Avenue Upland, CA. 91786
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; 2. Hold a public hearing and receive testimony from the public;

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	<p>3. Find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act; and</p> <p>4. Move to adopt a Resolution approving Conditional Use Permit 19-04, subject to conditions of approval as set forth in the Draft Resolution dated March 27, 2019.</p>
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD	10 days, ending April 8, 2019

Contract Planning Manager Poland introduced the details of the staff report, including existing use, location, hours of operation, live entertainment element, floor plan, no concerns related to the public hearing notices, no alcohol-related incidents as reported by the Police Department, and staff's recommendation to adopt the draft resolution, with an amendment to 50.1 of the Conditions of Approval to change "microbreweries" to "restaurants."

Vice Chair Aspinall inquired as to references to "sensitive uses" within the Conditions of Approval.

In response to *Vice Chair Aspinall's* inquiry, *Contract Planning Manager Poland* indicated that the maximum radius for sensitive uses is 1,000 feet.

Chair Schwary opened the public hearing. Noting no members of the public wishing to address the Commission, *Chair Schwary* closed the public hearing.

Commissioner Anderson moved to find that the project is Categorically Exempt from further environmental proceedings pursuant to Article 19, Section 15301, Existing Facilities of the California Environmental Quality Act Guidelines; and moved to adopt a Resolution approving Conditional Use Permit 19-00, subject to conditions of approval as set forth in the draft resolution dated March 27, 2019, as amended.

The motion was seconded by *Vice Chair Aspinall*

The motion carried by the following vote:

AYES: *Commissioners Anderson, Brouse, Walker, Vice Chair Aspinall, and Chair Schwary*

NAYS: None ABSTAINED: None

ABSENT: *Commissioner Verrinder*

**4. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 17-05, SITE PLAN REVIEW NO. SP 17-16, AND DESIGN REVIEW NO. DR 17-22.
(Continued from February 27, 2019)**

The proposed project is requesting approval to allow the installation of a 45 foot tall telecommunication tower (Mono-eucalyptus) and equipment building attached to the existing restroom within the Park/Open Space (P-OS) General Plan Designation and Open Space (OS) zone located at McCarthy Park.

Project location: 2040 N. San Antonio Avenue, APN: 1043-541-27.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Melissa Francisco of J5 Infrastructure Partners on behalf of AT&T 2030 Main Street, Suite 200 Irvine, CA. 92614

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RECOMMENDATION:	<p>That the Planning Commission:</p> <ol style="list-style-type: none"> 1. Receive staff's presentation; 2. Hold a public hearing and receive testimony from the public; 3. Find that the project is Categorical Exempt from environmental proceedings pursuant to Section 15303, Class 3 Construction or Conversion of Small Structures, of the California Environmental Quality Act Guidelines; and 4. Move to adopt a Resolution approving Conditional Use Permit No. 17-05, Site Plan Review No. 17-16, and Design Review No. 17-22 subject to conditions of approval as set forth in the Draft Resolution dated March 27, 2019.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD	10 days, ending April 8, 2019

Associate Planner Winter provided the details of the staff report including the history of public hearings related to this proposal, previous requests for information from the Commission as it relates to this request, proposal for the tower, potential locations identified by staff within the radius, coverage gaps, and staff recommendation.

Vice Chair Aspinall noted a revision to the proposed resolution regarding the height of the tower from 55 feet to 45 feet. She also inquired as to Conditions of Approval number 10.3 related to maintenance of landscaping and whether collocation is still possible at the reduced height.

In response to *Vice Chair Aspinall's* inquiry, *Associate Planner Winter* noted that area referenced in 10.3 is limited to any landscaping impacted during construction of the proposed tower and indicated an Arborist Report would be done to ensure towers don't damage any trees. *Winter* stated the applicant would be able to clarify whether collocation at the reduced height is possible.

Chair Schwary opened the public hearing.

Melissa Francisco, applicant, indicated that the tower can still be collocated at the proposed height, however due to the reduced height, it may be less desirable for collocation.

Discussion ensued regarding macro versus micro sites with regards to placement in heavy residential areas.

Chair Schwary inquired as to alternatives to having this type of monopine tower in the park.

Manesh Kolud, engineer for AT&T, indicated that an alternative would be to install approximately 30 more antennas on residential streetlights, with digging required for underground fiber installation; and due to the shorter height of the street lights, more EME emissions may result than in the monopine.

Chair Schwary inquired as to why this was not presented as an alternative option with the Commissions previous requests to find an alternative location.

In response to *Chair Schwary's* inquiry, *Mr. Kolud* responded the alternative location will not provide adequate cell service to the freeway. To which *Chair Schwary* expressed his main concern is the Upland residents.

Commissioner Walker inquired as to the higher EME emissions on the alternative option.

Attorney Shah clarified the application meets Federal Standards and the City cannot consider or add additional requirements and cautioned that EME cannot be the basis for their decision.

In response to *Commissioner Walker's* inquiry, *Mr. Kolud* indicated cell sites will still be in compliance with FCC regulations and the sites are designed with EME safety in mind.

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Natasha Walton referred to Policy OSC3.1 regarding park land and spoke in opposition to locating cell towers within City parks.

Terri D. inquired as to the exact height of the proposed tower.

Lois Sicking Dieter spoke in opposition to the proposed tower and inquired as to the height of the tower in relation to the coverage gap, expressed concerns about the introduction of a new tree species, and various safety concerns.

Associate Planner Winter spoke about the coverage map and potential heights of the tower if colocation takes place.

Steve Calvalho spoke in opposition to the proposal.

April McCormick spoke about the Commission recruitment process, non-thermo radiation sensitivity, existing cell towers in the City, small cell technology, transparency and spoke in opposition to the proposal.

Commissioner Verrinder joined the dais at 7:59 p.m.

Deputy City Attorney Shah indicated that due to missing the staff report and the beginning of the public testimony, *Commissioner Verrinder* is unable to participate in the deliberative discussion and must abstain from voting on the item. She also noted that if *Commissioner Verrinder* would like to address the Commission regarding the topic, she would have to do so as a member of the public at the podium.

Hydee Hall spoke in opposition to the proposal, noting many red flags and uncertainties regarding the health effects and aesthetics of the tower.

Ben Moshrefi spoke in opposition to the proposal and would consider moving if the tower is approved.

Krista Burns spoke in opposition to the proposal and referenced the proposition 65 warnings on the towers and expressed safety concerns for children and wildlife.

Chair Schwary inquired as to the environmental survey on the effects on wildlife.

In response to *Chair Schwary's* inquiry, *Associate Planner Winter* responded that the proposed project is categorically exempt from CEQA.

Bridgette James indicated she would rather see one (1) tower as opposed to thirty smaller units on street light poles and mentioned aesthetic concerns as well as potential health concerns.

Marjorie Mikels inquired about open-space and spoke in opposition to the proposal.

James McJoynt spoke in opposition to the proposal and suggested a second tower at St. Anthony's Church rather than commercializing park land.

Shelly Verrinder spoke about the history of development in the City and implored the Commission to keep parks truly open spaces in the community.

Ken Hoover spoke in opposition to the proposal.

Noting no further members of the public wishing to address the Commission, *Chair Schwary* closed the public hearing.

Commissioner Walker inquired whether the motion can be amended to indicate that the tower may only be used for AT&T and cannot be collocated; and inquired as to the process for approving small cell wireless sites.

In response to *Commissioner Walker's* inquiry, *Deputy City Attorney Shah* indicated that a decision can only be made on the application before the Commission, as limited to the proposed location; and the conditions would have to only relate to said application.

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Associate Planner Winter noted that small cell sites go through the Public Works Department, as they are located in the public right-of-way.

Discussion ensued related to the process for permitting different types of small cell sites and potential related ordinances.

Chair Schwary spoke about the process and expressed opposition to the proposal.

Chair Schwary moved to deny the Resolution approving Conditional Use Permit No. 17-05, Site Plan Review No. 17-16, and Design Review No. 17-22 subject to conditions of approval as set forth in the Draft Resolution dated March 27, 2019.

The motion was seconded by *Commissioner Walker*.

The motion carried by the following vote:

AYES: *Commissioners Brouse, Walker and Chair Schwary*

NAYS: *Commissioner Anderson, Vice Chair Aspinall*

ABSTAINED: *Commissioner Verrinder*

ABSENT: None

BUSINESS ITEMS- None

Commissioner Anderson requested staff to bring back a briefing on the Housing Element as adopted by the City Council.

Development Services Director Dalquest indicated that a report can be brought back to the next Planning Commission Meeting in April in regards to that item.

ADJOURNMENT

There being no further business to come before the Planning Commission, *Chair Schwary* adjourned the meeting at 8:52 P.M., to the regular meeting of the Planning Commission on April 24, 2019, at 6:30 P.M.

Respectfully submitted,



Robert D. Dalquest, Secretary
Upland Planning Commission